

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

FABRIZIO TERRANOVA,

Plaintiff,

v.

JOHN DOE, A through Z collectively,

Defendants.

ORDER

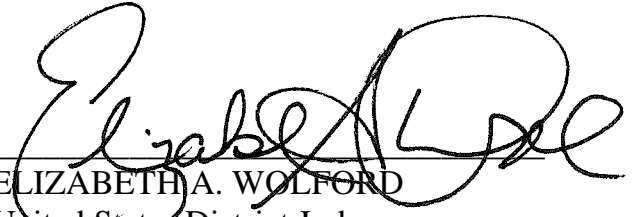
1:16-CV-00537 EAW

Plaintiff Fabrizio Terranova (“Plaintiff”) alleges claims pursuant to 42 U.S.C. § 1983 related to an incident at the Wende Correctional Facility (“Wende”) on June 9, 2015. (Dkt. 34). On March 17, 2020, the Court issued a Decision and Order instructing Plaintiff to submit to the Court all information he possesses regarding the identities of the remaining John Doe defendants, including a physical description of each of them, by April 3, 2020. (Dkt. 52). Plaintiff did not submit the requested information, and on June 29, 2020, the Court issued an Order to Show Cause directing Plaintiff to show cause in writing through a sworn affidavit why this case should not be dismissed for failure to comply with an order of the Court and for failure to comply with Federal Rule of Civil Procedure 4(m) within 14 days. (Dkt. 53). The Order to Show Cause also informed Plaintiff that failure to comply would result in dismissal of the action. (*Id.* at 3). Plaintiff did not submit the requested affidavit.

Accordingly the Court dismisses the instant action pursuant to Federal Rules of Civil Procedure 41(b) and 4(m). *See* Fed. R. Civ. P. 41(b) (permitting dismissal “[i]f the

plaintiff fails to prosecute or to comply with . . . a court order”; *id.* 4(m) (providing that service must occur “within 90 days after the complaint is filed,” and, if it does not, “the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against [the] defendant or order that service be made within a specified time”). The Clerk of Court is instructed to close this case.

SO ORDERED.



ELIZABETH A. WOLFORD
United States District Judge

Dated: September 25, 2020
Rochester, New York